

V. ANALYSIS OF POTENTIAL STATUTORY VIOLATIONS

The Independent Counsel concluded that prosecution of Mr. Nussbaum for perjury was not warranted because there was no substantial credible evidence to contradict Mr. Nussbaum's testimony before the House Committee on June 26, 1996, namely, that he had not discussed Mr. Livingstone with Mrs. Clinton or did not "know who brought [him] into the White House." The evidence shows that he had only limited involvement in the hiring of Mr. Livingstone, and there is no evidence beyond the insert, which itself is of limited probative value, that he discussed hiring Mr. Livingstone with Mrs. Clinton or that he knew who "brought Mr. Livingstone into the White House."

Moreover, other evidence that Mrs. Clinton had a personal relationship with Mrs. Livingstone, as described in the insert, is limited to Agent Aldrich's and Agent Sculimbrene's testimony about what Mr. Kennedy or Mr. Livingstone told them. Even assuming that they accurately described Mr. Kennedy's and Mr. Livingstone's statements, there is no other evidence of such a relationship that at all reflects Mrs. Clinton's involvement in the hiring of Mr. Livingstone or Mr. Nussbaum's knowledge of such involvement. Indeed, even assuming the insert accurately reflects what Mr. Nussbaum said to Agent Sculimbrene in the interview, there is still no other evidence to corroborate that Mr. Nussbaum discussed Mr. Livingstone with Mrs. Clinton.

Finally, the circumstances surrounding the preparation of the insert do not corroborate its accuracy. Agent Sculimbrene